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 8 WIRELESS)

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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 (OAKLAND DIVISION)

13 CATHERINE GELLIS, individually and  
 14 on behalf of all others similarly situated,  
 15

Plaintiff,

vs.

16 VERIZON COMMUNICATIONS, INC., a  
 17 Delaware Corporation; VERIZON  
 18 WIRELESS, an unincorporated  
 19 association; CELLCO PARTNERSHIP, an  
 20 unincorporated association; and DOES 1-  
 21 100, inclusive,

Defendants.

CASE NO. C 07-03679 JSW

**[PROPOSED] ORDER GRANTING  
DEFENDANT CELLCO PARTNERSHIP'S  
(D/B/A VERIZON WIRELESS) MOTION  
TO DISMISS PURSUANT TO FED. R. CIV.  
P. 12(b)(6)**

DATE: November 2, 2007

TIME: 9:00 a.m.

PLACE: Courtroom 2

The Honorable Jeffrey S. White

## ORDER

Cellco Partnership's (d/b/a Verizon Wireless) ("Verizon Wireless") Motion to Dismiss Complaint Pursuant to Fed. R. Civ. P. 12(b)(6) came for hearing before this Court on November 2, 2007, with Defendant and Plaintiff appearing through counsel.

After considering the briefs, arguments, and all other materials properly presented to this Court, the Court concludes, for the reasons identified in the papers submitted by Verizon Wireless, that Plaintiff's complaint fails to state a claim for which relief can be granted.

Accordingly, IT IS HEREBY ORDERED that:

Verizon Wireless's Motion to Dismiss is GRANTED and Plaintiff's Complaint is DISMISSED WITH PREJUDICE, without leave to amend.

## IT IS SO ORDERED.

DATED: \_\_\_\_\_

JEFFREY S. WHITE, JUDGE  
UNITED STATES DISTRICT COURT